

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD W. SETTIPANE, II,  
*Plaintiff,*

v.

THE UNITED STATES  
OF AMERICA,  
*Defendant.*

CIVIL ACTION NO. 04-10188-REK

FILED  
IN CLERKS OFFICE  
2004 FEB -4 A 8:34  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**PLAINTIFF'S MOTION FOR EXTENSION OF PERIOD FOR DETERMINATION**

Plaintiff moves, pursuant to 26 U.S.C. § 7429(c), for a 30-day extension of the period within which the Court will make its determination in this matter, from February 16, 2004, to March 17, 2004. As reasons therefor, the plaintiff states the following:


1. The instant action, filed on January 27, 2004, is a request under 26 U.S.C. § 7429(b) for judicial review of a jeopardy assessment made against the plaintiff by the Internal Revenue Service. The governing statute provides that the Court shall make its determination as to the reasonableness of the assessment and as to the appropriateness of the amount assessed within 20 days after commencement of the proceedings. *See* 26 U.S.C. § 7429(b)(3).
2. Upon request by the taxpayer based on reasonable grounds, the Court may grant an extension of up to 40 days. *See* 26 U.S.C. § 7429(c).
3. The plaintiff requests the additional time so that plaintiff's counsel, who are new to this case, may have sufficient time to collect documentation and prepare for the Court a comprehensive memorandum detailing plaintiff's position, as well as affording the Court ample time to review the materials in advance of its determination.

WHEREFORE, the plaintiff requests that the time within which the Court will make its determination be extended 30 days, to March 17, 2004.

By his attorneys,

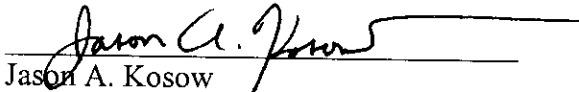
DIMENTO & SULLIVAN

Dated: January 28, 2004

  
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CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing motion to be mailed on January 28, 2004, to Michael J. Sullivan, USA, U.S. Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210-3027

  
Jason A. Kosow